

July 16, 2019

BY ELECTRONIC FILING

Hon. Elizabeth A. Wolford
United States District Judge
Western District of New York
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614

Re: United States v. Robert Morgan, 18-CR-108-EAW

Dear Judge Wolford:

We write on behalf of our client, Mr. Robert Morgan, in the above-referenced action, in response to the letter sent to Your Honor by the government earlier this evening (Exhibit A).

As a preliminary matter, Ms. Kane's letter and the proposed interlocutory sale order¹ were sent without prior notice to, or discussions with counsel for Mr. Morgan, a defendant, one of several individuals with ownership interests in Eden Square,² and the Manager of Eden Square's owner, Cranberry Vista Apartments LLC. Nor was the letter or proposed order filed on the docket to provide notice to other defendants who may have an ownership interest in Eden Square.

For the reasons set forth in Mr. Morgan's opposition papers (Dkts. 81–82), the government's letter further evidences its fundamental misunderstanding of the criminal forfeiture statutes and its continued attempts to exceed its authority to restrain or seize Eden Square absent any court order or the consent of the owners of Eden Square—the very issues already scheduled for a hearing before Your Honor on July 22, 2019. Nor does its letter provide legal or factual support for the government's newfound argument that Rule G(7)(a) allows Your Honor to order an interlocutory sale of Eden Square (without consent of the owners) *before* the hearing scheduled to address these critical issues.

Mr. Morgan will be prepared to address the government's latest communication during the hearing already scheduled on Monday, July 22, 2019.

¹ Mr. Morgan objects to the terms of the Proposed Interlocutory Sale Order.

² A property located at 9000 Old Station Road, Cranberry Pennsylvania.

Hon. Elizabeth A. Wolford
July 16, 2019
Page 2

Respectfully yours,

/s/Joel M. Cohen

Joel M. Cohen

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